IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 6TH NOVEMBER 2006 / 15TH KARTHIKA 1928

Bail Appl..No. 6546 of 2006()

CP.101/2006 of J.M.F.C.-II,KOTTARAKKARA
CRIME NO.251/2003 OF POOYAPPALLY POLICE STATION

.....

PETITIONER/ACCUSED

SASIDHARAN @ SASI KUMAR,
S/O.VASUDEVAN, SYAM NIVAS, PERUNKULAM,
MALAYIL MURI, VELIYAM VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.PRATHEESH.P

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, POOYAPPALLY
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6546/2006

DATED THIS THE 6TH DAY OF NOVEMBER, 2006

O R D E R

The petitioner was found in illegal possession of 198 litres of wash on 6.9.2003. Therefore, the Sub Inspector of Pooyappally Police Station, registered crime No.251/2003 of that police station, for the offence punishable under Section 55(g) of the Abkari Act. Hence this application, under Section 438 Cr.P.C.

2. It is submitted by the prosecution that the investigation is complete and the final report had already been filed. The matter is now pending as C.P.No.101/2006 on the file of the Judicial Magistrate of First Class-II, Kottarakkara.

3. It is observed with alarm that in some police stations, the police officials do not arrest the accused and file the final report, so that the accused would get bail. In the case at hand, the offence took place in the year

2003. After filing the final report the matter is now pending as C.P.No.101/2006. It is very hard to believe that till the filing of this application for a pre-arrest order, the petitioner was absconding and the police officers of Pooyappally Police Station, could not trace the accused out. It is one of the instances which I find, and this would erode the confidence of the public on the police. It is for the Government to detect such type of police persons, who fail to do their duty respectfully and legally, and in giving them such charge to the stations, so that the persons, who are to be proceeded against, are escaping on extraneous considerations.

4. Nevertheless, as the investigation is complete, I direct the petitioner to surrender before the Judicial Magistrate of First Class-II, Kottarakkara, on 13.11.2006 at 11.00 a.m.

5. The learned Magistrate shall allow the petitioner to be on bail, imposing such conditions, as are deemed necessary, so that the petitioner would be

available before that Court, as well as the Sessions Court during the trial.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs